

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ZHEJIANG MEDICINE CO., LTD., *et al.*,

Plaintiffs,

versus

KANEKA CORPORATION,

Defendant.

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CIVIL ACTION NO. H-11-1052

SUPPLEMENTAL SCHEDULING ORDER

It is hereby **ORDERED**, after consultation with the parties, that the following schedule will apply in this case:

16	8/23/2012	Court's Decision on Claim Construction (<i>Markman</i> Ruling) <u>(If ruling is late, parties may seek amendment of remaining dates in Scheduling Order.)</u>
17	3/29/2013	Deadline for final infringement contentions and to amend pleadings on infringement claims NOTE: Except as provided in P.R. 3-6, if the amendment would affect preliminary or final infringement contentions, a motion must be made under P.R. 3-7 irrespective of whether the amendment is made before this deadline.
18	4/30/2013	Deadline for final invalidity contentions and to amend pleadings on invalidity claims. NOTE: Except as provided in P.R. 3-6, if the amendment would affect preliminary or final invalidity contentions, a motion must be made under P.R. 3-7 irrespective of whether the amendment is made before this deadline.
19	5/31/2013	Comply with P.R.3-8. All parties furnish documents and privilege logs pertaining to willful infringement.
	8/23/2013	Deadline to amend pleadings on issues other than infringement and invalidity without leave of court. After this date, leave of court must be obtained.
20	9/30/2013	Date for designation of expert witnesses on non-construction issues on which the party has the burden of proof ("BOP") and service of expert witness reports. [Refer to Fed. Rules of Civil Proc. for information required.]

21	10/30/2013	Date for designation of responsive expert witnesses on non-claim construction issues on which party does <i>not</i> have BOP, and service of responsive expert witness reports. [Refer to Fed. Rules of Civil Proc. for information required.]
22	12/20/2013	Discovery Deadline on all issues. <i>(If ruling is late, parties may seek amendment of remaining dates in Scheduling Order.)</i>
23	1/31/2014	Dispositive and Non-Dispositive Motions and Briefing deadlines
24		Court's ruling on all pending motions
25	5/27/2014	Joint Pretrial Order due including all components required by Local Rules and this Court's Procedures (such as witness lists, exhibit lists and copies of exhibits (<i>see</i> # 29 below), and (a) in bench trials, proposed findings of fact and conclusions of law with citation to authority and (b) for jury trials, joint proposed jury instructions with citation to authority, and proposed verdict form). Statement of Expected Length of Trial: _____ days (~6 hours with jury per day).
26	30 days before trial	Written notice due for request for daily transcript or real time reporting of trial proceedings.
27	30 days before trial	Video and Deposition Designations due. Each party who proposes to offer a deposition by video must file a disclosure identifying the line and page numbers to be offered. All other parties will have 1 week to file a response requesting cross designation line and page numbers to be included. Each party is responsible for preparation of the final edited video in accordance with their parties' designations and the Court's rulings on objections.
28	15 days before trial	Motions in Limine due.
29	15 days before trial	Objections to opponents' proposed witnesses, proposed exhibits, designated deposition testimony, and any other matters due.
30	7 days before trial	The parties are directed to confer and advise the Court about (a) which limine requests the parties agree to.
31	3 days before trial	9:00 a.m. Docket Call/ Final Pretrial Conference at the United States District Court, 515 Rusk Street, Houston, Texas.

32		<p><i>The Court refers most patent cases to mediation. The parties should discuss proposed mediators and timing of mediation prior to the Scheduling Conference and be prepared with recommendations for the Court.</i></p> <p>Mediation to be completed by this date. The parties must select a mediator for this case. The parties and mediator must comply with S.D. TEXAS LOCAL RULE 16.</p>
33	5/30/2014	1:30 p.m. a.m. Docket Call at the United States District Court
34	June, 2014	TRIAL , Case is subject to being called to trial on short notice during this month
35.	5 - 7 days	Estimated days to try.

OTHER REQUIREMENTS and LIMITATIONS:

- (a) **All depositions** to be read into evidence as part of the parties' case-in-chief must be **EDITED** (*with* notice to opposing parties) to exclude all unnecessary, repetitious, and irrelevant testimony. **ONLY** those portions relevant to the issues in controversy may be read into evidence.
- (b) The Court will refuse to entertain any **motion to compel discovery** filed after the date of this Order unless the movant advises the Court within the body of the motion that counsel for the parties have first conferred in a good faith attempt to resolve the matter. See Southern District of Texas Local Rules 7.1, 7.2.
- (c) The following **excuses will neither warrant a continuance** nor justify a failure to comply with the discovery deadline:
 - (i) the fact that there are motions for summary judgment or motions to dismiss pending;
 - (ii) the fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
 - (iii) the failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.
- (d) **Exhibits**
 - (i) Each party must provide the Court with a courtesy copy of exhibits and exhibit lists. The presiding judge's preferred format for Exhibit Lists is available on the Court's website at www.txs.uscourts.gov under **Court Procedures**.

- (ii) If exhibits are voluminous, provide only specific pages that pertain to the issues on the two courtesy copies. The original exhibits that are agreed upon by the parties, should be ready to be tendered to the Clerk of the Court at the beginning of trial. Other exhibits that are admitted during trial should be tendered to the Clerk of the Court immediately after admission.
- (iii) The parties are to label all proposed exhibits with the following information on each label: Designation of Plaintiff's or Defendant's Exhibit Number and Case Number.

For example:

<p style="text-align: center;">Plaintiff's Exhibit</p> <p>Exhibit No. _____</p> <p>Case No. _____</p>
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<p style="text-align: center;">Defendant's Exhibit</p> <p>Exhibit No. _____</p> <p>Case No. _____</p>
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SIGNED on this the 25th day of January, 2013, at Houston, Texas.



UNITED STATES DISTRICT JUDGE